

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

SCOTT ALLAN JONES,

Plaintiff,

v.

DISTRICT COURT CLARK COUNTY, et
al.,

Defendant.

Case No. 2:15-cv-01108-MMD-NJK

ORDER ADOPTING AND ACCEPTING
REPORT AND RECOMMENDATION OF
MAGISTRATE JUDGE
NANCY J. KOPPE

Before the Court is the Report and Recommendation of United States Magistrate Judge Nancy J. Koppe (dkt. no. 7) ("R&R"). No objection to the R&R has been filed.¹

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. See

¹The R&R (dkt. no. 7) that was mailed to Plaintiff was returned as undeliverable. (Dkt. no. 8.)

1 *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard
2 of review employed by the district court when reviewing a report and recommendation to
3 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,
4 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the
5 view that district courts are not required to review "any issue that is not the subject of an
6 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then
7 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.
8 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
9 which no objection was filed).


10 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
11 determine whether to adopt Magistrate Judge Koppe's R&R. The R&R recommends that
12 this action be dismissed without prejudice based upon Plaintiff's failure to show cause
13 why the case should be dismissed. After reviewing the filings, the Court agrees with the
14 Magistrate Judge's recommendation.

15 It is therefore ordered, adjudged and decreed that the Report and
16 Recommendation of Magistrate Judge Nancy J. Koppe (dkt. no. 7) is accepted and
17 adopted in its entirety.

18 It is ordered that the amended complaint (dkt. no. 1-2) is dismissed without
19 prejudice.

20 It is further ordered that the Clerk close this case.

21 DATED THIS 23rd day of November 2015.

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24 _____
25 MIRANDA M. DU
26 UNITED STATES DISTRICT JUDGE
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